

REMARKS

This is intended as a full and complete response to the Office Action dated May 22, 2009, having a shortened statutory period for response set to expire on August 22, 2009. Applicants respectfully request entry and consideration of the above noted amendments and the following remarks in response to the Office Action.

RESTRICTION:

Claims 10-25 are pending in the application and stand restricted under 35 U.S.C. §121. In response thereto, Applicants hereby elect claims 10-16, identified as Group I, for prosecution in the present application, with traverse.

CLAIM REJECTIONS:

Claims 10-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,955,555 (*Bennett*) in view of U.S. Patent No. 5,093,297 (*Woo*) and *Taylor* article. The Office Action states that “[a]lthough neither Bennett nor Woo et al. specifically disclose the polystyrene beads...[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Bennett et al. /Woo et al. and Taylor et al. to obtain the invention as specified”. Applicants respectfully disagree.

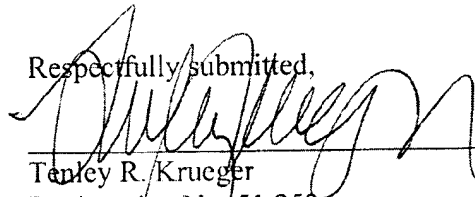
It is well settled that the Examiner bears the initial burden of establishing a prima facie case of obviousness. To establish a prima facie case, the PTO must satisfy three requirements. First, the prior art relied upon, coupled with the knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or to combine references. Second, the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Applicants respectfully submit that none of these requirements is met. First, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *See* MPEP §2143. Applicants

respectfully submit that there is no teaching or suggestion in the prior art to combine a porous functionalized beads of polystyrene with the claimed iron based complex to form a supported catalyst component for the production of hollow beads of polyethylene, as claimed. Further, the teachings lack a firm basis to predict the effect of the proposed interchange. It is well recognized that catalysts are a highly unpredictable art. Accordingly, Applicants submit that no teaching exists as to the effect of utilizing the support of *Taylor* with the complex of *Bennett* or *Woo*, nor how the teachings of *Bennett* and *Woo* would be combined to result in the claimed features.

Further, even if combined, Applicants respectfully submit that such combination would not teach, show or suggest the features of the pending claims. Accordingly, Applicants respectfully request withdrawal of the rejection.

In conclusion, Applicants submit that the references cited in the Office Action, neither alone nor in combination, teach, show, or suggest the claimed features. Having addressed all issues set out in the Office Action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request the same.

Respectfully submitted,



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